IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 15398 of 2007(G)

PETITIONERS:

1. SRI.NATARAJAN,S/O.NARAYANAN,
   AGED 70 YEARS,KUNNEL ESTATE,
   KALANJOOR P.O.,ADOOR TALUK,
   PATHANAMTHITTA DISTRICT.

2. SRI.BRIJESH RAJAN,
   S/O.NATARAJAN,AGED 30 YEARS,KUNNEL ESTATE,
   KALANJOOR P.O.,ADOOR TALUK,
   PATHNAMTHITTA DISTRICT.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY ITS
   SECRETARY TO GOVERNMENT,
   HOME DEPARTMENT,
   THIRUVANANTHAPURAM.

2. THE SUPERITNTENDENT OF POLICE,
   PATHANAMTHITTA DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
   POLICE STATION,KOODAL.

4. M.S. ACHUTHAN NAIR,
   SECRETARY,
   CITU,KALANJOOR.

5. SRI.GOPINANATHAN NAIR,
   SECRETARY,
   INTUC,KALANJOOR.

6. SRI.C.RAVEENDRAN NAIR,
   SECRETARY,CITU,ENATHUMANGALAM.

7. SRI.R.SUKUMARAN NAIR,
   SECRETARY,INTUC,ENATHIMANGALAM.

8. M.A. BAHARUDEEN,CONVENER,
AITUC,
ENATHUMANGALAM.

9. SUNDERSAN,
CONVENOR,BMS,ENATHIMANGALAM.

R4 & R5 BY ADV. SRI.T.M.ABDUL LATHEEF
R6 to R8 BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD
SRI.K.GOPALAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXTS:

EXT.P1	TRUE COPY OF THE JUDGMENT DTD. 27/7/2000 IN OP.13119/2000.
EXT.P2	TRUE COPY OF THE PETITION DTD. 30/4/2007.
EXT.P3	TRUE COPY OF THE REPORT DATED 16/4/2007.
EXT.P4	TRUE COPY OF THE REPORT DATED 21/4/2007.
EXT.P5	CERTIFICATE ISSUED BY THE SECRETARY, KALANJOOR GRAMA PANCHAYAT.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 15398 OF 2007

DATED THIS, THE 13TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioners are the owners in possession of 11.48 acres of rubber plantation in Kalanjoor Village, in Pathanamthitta District. Respondents 6 to 9 are leaders of different trade unions in Enadimangalam Village and Grama Panchayat. It is alleged that they are interfering with the cutting and removing of the rubber trees in the property of the petitioners. It is also stated that Respondents 4 and 5 are the trade unions leaders in Kalanjoor Grama Panchayath, where the property is situated. The dispute is between Respondents 4 and 5 on one hand and Respondents 6 to 9 on the other, claiming right to cut and remove the trees from the petitioners' property. The dispute as to whether the plantation belonging to the petitioners is situated in Enadimangalam Grama Panchayat or in Kalanjoor Grama Panchayath was adjudicated and a report is submitted by the Tahsildar, Adoor, copy of which is produced as Ext.P3, as per which it is found that a portion of the plantation is situated in Kalanjoor Grama Panchayat.

2. It is contended by the learned counsel appearing for Respondents 6 to 9 that the finding of the Tahsildar is not correct. According to her, there cannot be 700 tress standing on 11 cents of land and further that it can only be a decision rendered in respect of 11 cents and cannot apply to land beyond that extent. Learned counsel appearing for the petitioner, however, submits that the trees, which are to be cut and removed, are only 700 in number in respect of which a decision is rendered by Tahsildar. On going through the report, it is seen that the report was relating to cutting and removal of 700 trees and the decision was rendered by Tahsildar. It is open to the respondents to challenge the correctness or otherwise of the order before the appropriate forum. But prima facie, in the light of the order now passed by the Tahsildar, there cannot be any physical obstruction to the cutting and removal of trees by the petitioner by engaging workmen belonging to Respondents 4 and 5 from the premises mentioned in the order of the Tahsildar. If there is any conciliation pending regarding the dispute between the parties, the same shall be disposed of by the Conciliation Officer expeditiously, after hearing the parties, within two weeks.

3. In case any obstruction is caused by Respondents 6 to 9 to the cutting and removal of the trees from the area mentioned in Ext.P3, police

shall give adequate protection to the petitioners to cut and remove the same through the members of the unions headed by Respondents 4 and 5.

The writ petition is disposed of as above.

A copy of this order shall be produced by Respondents 6 to 8 before the Conciliation Officer for his information and compliance.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-